IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

WRIT PETITION NO.4490 OF 2005

Smt.Nafisa Mohammed Asgar and another).. Petitioners

Versus

Mazhar Mehmood Mohammed Ishaque).. Respondent

Mr.S.G. Deshmukh for the Petitioners.

Mr.J.S. Kini for the Respondent.

CORAM: SMT.NISHITA MHATRE, J.

DATED: 31ST AUGUST 2005

P.C.:

. This Petition has been filed against the concurrent findings of fact of the trial Court and the appellate Court decreeing the Suit on the ground of bona fide and reasonable requirement of the landlord for the suit premises. The trial Court and the appellate Court have found that the landlord has made out a case that the suit premises are required by him as he is residing in tenanted premises and has a large family. Furthermore, the trial Court has discussed the issue with regard to comparative hardship and has found that the landlord would suffer greater hardship if the suit is not decreed. The appellate Court has confirmed this finding. In my view, no case for interference has been made out. Hence, Petition rejected.

2. Time to vacate the suit premises is granted for one year from today. Petitioners shall give undertakings within two weeks that they will hand over possession of the suit premises to the Respondent and also file affidavit of all the other adult members of the family within two weeks from today.